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INTELLECTUAL PROPERTY LAW180 Pine Avenue North, Oldsmar FL 34677
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JUL 26 2006**Fax****INTELLECTUAL PROPERTY LAW**

To: U.S. Patent & Trademark Office From: Thomas E. Toner
Attn: Examiner Allison M. Ford - Art Unit 1651 Client: 1372.129.PRC
Fax: (571) 273-8300 Pages: 3 including coversheet
Phone: (571) 272-2936 Date: July 26, 2006
Re: USSN: 10/777,425 CC: University of South Florida (Assignee)

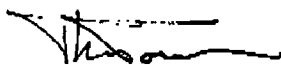
☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Examiner Ford:

In response to the non-final office action mailed June 26, 2006, we enclose the following:

1. Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated July 26, 2006 (1 page); and
2. Response to Election/Restriction Requirement (1 page).

Very Respectfully,

Thomas E. Toner
Reg. No. 57,422

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Practitioner's Docket No.: 1372.129.PRC

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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JUL 26 2006

In re Application of: **Paul R. Sanberg**

Serial No.: 10/777,425

Filed: 02/12/2004

For: **Compositions and Methods for Using
Umbilical Cord Progenitor Cells in the
Treatment of the Myocardial Infraction**Art Unit: 1651
Examiner: Allison M. Ford
Confirmation: 4326Faxed to Central Fax at (571) 273-8300
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed June 26, 2006, having a shortened statutory period for response set to expire July 26, 2006 as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects to prosecute Invention I, species (b), claims 3, 4 and 12-18, drawn to a method of treating circulatory diseases, classified in class 424. This election is made without traverse.

REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested.

Very respectfully,
SMITH & HOPENBy: Thomas E. Toner
Reg. No. 57,422
180 Pine Avenue North
Oldsmar, FL 34677
(813) 925-8505
Attorneys for Applicant

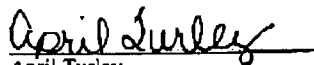
Dated: July 26, 2006

pc: University of South Florida (Assignee)

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Response to Election/Restriction Requirement is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1651, Attn: Allison M. Ford, (571) 273-8300 on July 26, 2006.

Dated: July 26, 2006


April Turley

Practitioner's Docket No. 1372.129.PRC

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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JUL 26 2006

In re Application of: Paul R. Sanberg)

Serial No.: 10/777,425)

Filed: 02/12/2004)

For: Compositions and Methods for Using
Umbilical Cord Progenitor Cells in the
Treatment of the Myocardial Infraction)Art Unit: 1651
Examiner: Allison M. Ford
Confirmation: 4326Faxed to Central Fax at (571) 273-8300
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is a Response To Election/Restriction Requirement for this application.

STATUS

2. Applicant is an independent inventor.

EXTENSION OF TERM

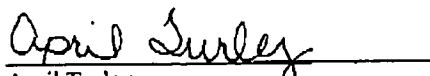
3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**SIGNATURE OF PRACTITIONER**Thomas E. Toner
Smith & Hopen, P.A.
180 Pine Avenue North
Oldsmar, FL 34677
(813) 925-8505Reg. No.: 57,422
Customer No.: 21,901**CERTIFICATE OF FACSIMILE TRANSMISSION**

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1651, Attn: Allison M. Ford, (571) 273-8300 on July 26, 2006.

Dated: July 26, 2006


April Turley

(Restriction Requirement - Transmittal)